

**DEPARTMENT OF COMMERCE  
SUMMARY OF PUBLIC HEARING COMMENTS AND AGENCY RESPONSE**

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Clearinghouse Rule Number: 08-039		Hearing Location: Madison	
Rule Number: Chapters Comm 2 and 5		Hearing Date: May 28, 2008	
Relating to: Program Revenue Fees			
Comments: Oral or Exhibit No.	Presenter, Group Represented, City and State	Comments/Recommendations	Agency Response
Speaker #1	Ann Gryphan, Wisconsin Liquid Waste Carriers Association, Wisconsin Onsite Water Recycling Association and Wisconsin Precast Concrete Association, Madison	<p>Opposes the proposed fee increases related to plumbing, POWTS and soil testing.</p> <p>Contends the fees would be another burden for businesses during trying economic times.</p> <p>Recognizes the need for the Safety and Buildings Division to raise fees to adjust of inflation, but objects to any program fees being diverted to the General Fund when it cannot be guaranteed that the fee increases will benefit the plumbing or POWTS programs.</p> <p>Cannot support the fee increases unless all of the revenue remains with the division programs.</p> <p>The associations support proper code enforcement through adequate regulatory staffing.</p> <p>Provided a letter from David LaBott, Baudhuin, Inc., advocating the retention and filling of the wastewater specialist field positions.</p>	<p>The department is statutorily obligated to established fees at levels sufficient to fund the programs administered by the Safety and Buildings Division. The department and the division are not solely in control of its financial outlays and obligations and need to fulfill these obligations as directed.</p> <p>Concern noted. The division strives for effective administration of it programs through efficient means and methods.</p>
speaker #2	Jim Boullion, Associated General Contractors of Wisconsin, Madison	<p>Does not oppose the proposed fee increases as long as they remain proportionate to the cost of delivering associated services.</p> <p>Advocates that the Safety and Buildings Division continue to maintain the current level of services.</p> <p>Asks that sufficient notice be provided for implementation of the fee increases in order to afford project budgeting; recommends January 1, 2009.</p>	<p>Concern noted. The division strives for effective administration of it programs through efficient means and methods.</p> <p>Sufficient revenues are needed to cover current operating costs. At least 45 day notice via the division web site will precede the implementation of the fee increase.</p>
speaker #3	Brad Boycks, Wisconsin Builders Association, Madison	<p>Opposes fee increases impacting the housing industry, including:</p> <ul style="list-style-type: none"><li>• The Dwelling Contractor registration</li><li>• The Dwelling Contractor Qualifier registration</li><li>• The Dwelling Contractor-Restricted registration</li><li>• The uniform building permit</li><li>• Department UDC inspections</li><li>• Notice of Intent relating to erosion and sediment control</li></ul>	<p>The proposal has been modified to reduce the fee increases for permits and credentials related to the one- and two-family dwelling program. As a result, projected revenues will not be sufficient to fund the “training of consumers regarding the dwelling building process” as authorized by 2005 Wisconsin Act 25.</p>

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	Boycks continued	Advocates that POWTS fees remain with the program and are not transferred to other accounts.  Asks for the basis in the increase to contractor and NOI's fees.  Supports the allowance to pay by credit card.	The department and the division are not solely in control of its financial outlays and obligations and need to fulfill these obligations as directed.  The increase covers the cost of administering this specific program without subsidization from other sources.
written #4	Julie Meyer (email)	Contents that the raising fees for anything related to housing will have a negative impact.	See response to speaker #3, Brad Boycks.
written #5	Abe Degnan, Degnan Design Buidlers, Inc. (email)	Opposes the increase in the dwelling contractor registration fees; believes that the increase is not related to service but to shore up general purpose revenue.	See response to speaker #3, Brad Boycks.
written #6	Jim Hopkins, J&J Builders (email)	Disagrees with the proposed fee increases relating to housing; contending that the increases will have a negative affect on the building industry. Requests that the increases be delayed for one year or until there is an upturn in construction sales.	See response to speaker #3, Brad Boycks.
written #7	Neil Homb, Apogee Engineering (email)	Recommends that the plan review fees be increased by at least 50%. Believes that fees have not be revised for 25 years. Indicates that his fees are tied to the plan review fee.	The department is statutorily obligated to established fees at levels sufficient to fund the programs administered by the Safety and Buildings Division.
written #8	Jean MacCubbin (email)	Suggests raising the fee under s. Comm 2.66 (2) (b) regarding revisions/changes of manufacturer's name or address, to at least \$70 to coincide with s. Comm 2.66 (1) (c) 2. b.	The proposed \$5 increase (33%) for such nontechnical revisions are reasonable in light that there are other revenue sources for this program.
written #9	William Derrick, Derrick Construction (email)	Believes it wrong for to raise fees in light of the present slump in residential construction. Suggests that the Department cut excess expenses.	See response to speaker #3, Brad Boycks.
written #10	Mike Check, Mike Check Builders (email)	Contents that the suggested fee increases regarding construction are excessive and add to negativity.	See response to speaker #3, Brad Boycks.
written #11	Randy Dahmen (email)	Seeks clarification under s. Comm 2.31 whether the separate submittal of kitchen exhaust systems and make-up air systems fall under the miscellaneous plan review fee or the plan review based upon the square footage served by the system.  Seeks clarification whether plans need to be submitted for replacement of HVAC equipment and if so what are the fees. Provides suggested language.	Since the system does not have a floor area associated with it the submittal would fall under the miscellaneous review fee of s. Comm 2.31 (1) (d).  The question pertains to s. Comm 61.30 which is not within the scope of this rule. An alteration submittal of this nature would most likely be a miscellaneous fee.

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	Dahmen continued	<p>Suggests that the fees under s. Comm 2.04 (1) be adjusted allowing the ability to charge higher fees that reflect the number of people involved and their positions.</p> <p>Suggests that fees for lighting be establish, in case plan review is required in the future.</p> <p>Contends that the plan review and inspection fees under Tables 2.31-1 and 2 are undervalued and should be raised to be reflective of other areas of the country. Provides fee schedules for other jurisdictions.</p>	<p>The proposed fee increases are projected to cover all our costs, including overhead, for the programs.</p> <p>Fees would be codified if and when s. Comm 61.30 was revised to require lighting plan submission.</p> <p>Pursuant to s. 101.19, Stats., the proposed fee increases are to cover the division’s cost for administering the program.</p>
written #12	Karl Jennrick, Oneida County Planning and Zoning (email)	<p>Indicates that the county will be required to increase their sanitary permit fees to reflect the proposed increases under s. Comm 2.67 (1) and (2). This will necessitate the county to incur additional expenses in changing county fees, publishing proposed fee changes and holding meeting to discuss the increases.</p> <p>Contends that with the reduction in the number of wastewater specialists the department is providing less service. Suggests that the department increase their own fees such as plan review.</p>	<p>Issue noted.</p> <p>The POWTS plan review fees are proposed to be increased by 50%.</p>
written #13	David Mundigler, Racine County Code Administration (email)	<p>Indicates that the county will be required to increase their sanitary permit fees to reflect the proposed increases under s. Comm 2.67 (1) and (2). This will necessitate the county to incur additional expenses in changing county fees, publishing proposed fee changes and holding meeting to discuss the increases.</p> <p>Contends that increase will not reflect an increase in service to the counties, specifically noting wastewater specialists’ activities.</p>	<p>Issue noted.</p> <p>The proposed increases are intended to maintain effective and efficient administration of the POWTS program.</p>